

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 827 - HB 977

March 2, 2023

SUMMARY OF BILL: Authorizes law enforcement officers to carry a firearm when under the influence of alcohol or controlled substances and certain other circumstances.

Eliminates the Class A misdemeanor offense of possession of a firearm or prohibited weapon on the grounds of any public park, playground, civic center or other building facility, area or property owned, used or operated by any municipal, county or state government, or instrumentality thereof, for recreational purposes.

Removes the prohibition to possess or carry, a weapon in any school bus, grounds, recreation area, athletic field or any other property owned, operated, or while in use by any Board of Education, school, college or university Board of Trustees, regents or directors for the administration of any public or private educational institution.

Prohibits the carrying of weapons in K-12 schools. Provides exceptions for certain persons including any person permitted to carry a firearm under federal law.

Authorizes an adult student or other adult person who is permitted to be on the campus or property of a public or private school, university or educational institution to possess mace, pepper spray, or pepper gel for purposes of self-defense.

FISCAL IMPACT:

Decrease Local Expenditures – \$8,700/FY23-24 and Subsequent Years

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-17-1311(c), it is a Class A misdemeanor offense to possess a firearm or a prohibited weapon on the grounds of any public park, playground, civic center or other building facility, area or property owned, used or operated by any municipal, county or state government, or instrumentality thereof, for recreational purposes.
- Based on information provided by the Administrative Office of the Courts, there was an average of one Class A misdemeanor conviction for possession a firearm or a prohibited weapon on the grounds of any public park, playground, civic center or other building facility in each of the last 10 years.

- This analysis assumes that only 10 percent of misdemeanor convictions are at the state court level. As a result, it is estimated that there are 10 convictions (1 / 10.0%) per year for such Class A misdemeanor.
- It is assumed that an individual convicted of a Class A misdemeanor offense will spend an average of 15 days in a local jail.
- Based on cost estimates provided by local government entities throughout the state and reported bed capacity within such facilities, the weighted average cost per day to house an inmate in a local jail facility is \$58.21.
- The recurring decrease in expenditures to local governments associated with Class A misdemeanors is estimated to be \$8,732 (10 conviction x \$58.21 x 15) in FY23-24 and subsequent years.
- Pursuant to 39-17-1309(b)(2), it is a Class E felony offense to possess or carry any firearm, explosive, explosive weapon, bowie knife, hawk bill knife, ice pick, dagger, slingshot, leaded cane, switchblade knife, blackjack, knuckles or any other weapon of like kind, not used solely for instructional or school-sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field or any other property owned, operated, or while in use by any board of education, school, college or university board of trustees, regents or directors for the administration of any public or private educational institution.
- The proposed legislation changes the location where it is an offense to possess or carry a weapon pursuant to 39-17-1309(b)(2) to just while inside a school that offers any of the grades K-12.
- Based on information provided by the Department of Correction, there has been an average of one admission per year over the last 10 years for the Class E felony offense under Tenn. Code Ann. § 39-17-1309 for carrying a weapon on school property.
- Changing the location of where it is an offense to possess or carry a weapon to just while inside a school that offers any of the grades K-12 will not result in a sufficient change in the number of prosecutions for state government to experience any significant change in revenue or incarceration expenditures.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly change state or local revenue.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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